

REMARKS

The Office Action dated March 26, 2004 has been reviewed, and the application is amended herein in a manner believed to place same in condition for allowance. Reconsideration of the application is respectfully requested.

Claims 1, 6, 10, 13, 22, 24, 26, 27, 30, 32 and 36 are amended herein, Claims 5, 15-17, 21, 33, 34, 37 and 38 are cancelled, and Claims 46-48 are added. Claim 27 stands rejected under 35 USC 112, second paragraph, and is amended herein in a manner believed to overcome this rejection.

Applicants acknowledge, with appreciation, the indication of allowable subject matter of Claims 5, 6, 13, 24, 25, 30, 31 and 38, and the allowance of Claim 45. In response, independent Claims 1 and 36 are amended herein to include the subject matter of allowable Claims 5 and 38, respectively, and the subject matter of any intervening claims. Claim 6 is amended herein to change the dependency thereof. Claims 1 and 36 are therefore believed to be in condition for formal allowance, as well as Claims 2, 3, 6-9, 18, 20 and 41 (which depend from Claim 1) and Claims 39 and 40 (which depend from Claim 36).

The rejections of the remaining claims will be addressed in the order of presentation in the Office Action.

Claims 22 and 23 stand rejected as anticipated by Mollenkopf (U.S. Patent No. 4 391 073). Claim 22 recites a pair of horizontally spaced and generally vertically oriented supports and a generally horizontally oriented rail member extending between the supports, and a top cap which is generally horizontally oriented and positioned above and extending along a substantial portion of the rail member. The Examiner equates the channel member 70 in Mollenkopf with the "top cap" of Claim 22, the members 32, 29 and 23 with the "vertically oriented supports" of Claim 22, and the member 15 with the "rail member". In this regard, the channel member 70 in Mollenkopf is not horizontally oriented, and instead is a vertical member which is sandwiched between the vertical post

11 and frame member 15. Further, frame member 15 in Mollenkopf is not horizontally oriented, and instead is vertically oriented. Still further, members 32, 29 and 23 in Mollenkopf are not vertically oriented, and instead are horizontally oriented. Accordingly, this reference clearly does not teach a generally horizontally oriented top cap positioned above and extending along a substantial portion of a horizontally oriented rail member. Further, Mollenkopf does not teach a mounting structure defined by a pair of opposed and generally C-shaped clamps which overlies opposite sides of the rail member, as recited in Claim 22. Claim 22 and Claim 23 which depends therefrom are therefore believed allowable.

Claims 1, 22, 26-29, 36, 37 and 39 stand rejected as unpatentable over Charman (U.S. Patent No. 4 631 881) and Daggy (U.S. Patent No. 3 803 787). Independent Claims 1 and 36 are amended to include allowable subject matter, rendering the instant rejection moot relative to these claims and Claim 39.

Independent Claim 22 is amended herein to include part of allowable Claim 24. More specifically, Claim 22 recites that the mounting structure is defined by a pair of opposed and generally C-shaped clamps which overlie opposite sides of the rail member. In contrast, the hinge clip 40 of Charman has depending walls 46 and 47 which receive therebetween the top face of rail 17. These walls 46 and 47 are not C-shaped. Further, the walls 50, 49, 53 and 50, 48, 53 of Charman do not overlie any part of rail 17. Daggy does not cure this deficiency. Accordingly, it is submitted that no combination of Charman and Daggy will result in the invention defined in Claim 22.

Claim 26 recites that each clamp is defined by two detachable, separate clamp members. The walls 46 and 47 in Charman are not intended for detachment from one another, as the hinge clip 40 is a one-piece integral structure. Claim 26 is therefore also believed allowable over Charman and Daggy.

Independent Claim 27 is amended herein to recite that each bracket is defined by a pair of detachable clamps disposed in opposed relation with one another on opposite sides of the upper support. Charman does not teach such a detachable structure as discussed above relative to Claim 26, and Daggy does not cure this deficiency. Detachment of the walls 46 and 47 from one another would destroy Charman's clip 40. Claim 27 is therefore believed allowable, as well as Claims 28 and 29 which depend therefrom.

Claims 1, 8, 18, 22, 26-29, 36, 37, 39 and 41 stand rejected as unpatentable over Charman and Rydqvist (U.S. Patent No. 4 821 477). Claims 1 and 36 are amended to recite allowable subject matter, and thus this rejection is considered moot relative to these claims, as well as to Claims 8, 18, 39 and 41 which depend from Claims 1 and 36.

With respect to independent Claim 22, Charman's clip has depending walls 46 and 47 which receive therebetween the top face of rail 17, but these walls are not C-shaped. Walls 50, 49, 53 and 50, 48, 53 of Charman do not overlies opposite sides of the rail member. Rydqvist does not cure this deficiency. Claim 22 is therefore believed allowable over the above references.

Claims 26 and 27 are believed allowable over Charman and Rydqvist, since neither Charman nor Rydqvist teaches detachable clamp members. Claims 28 and 29 are believed allowable by virtue of their dependency from allowable Claim 27.

Claims 2 and 44 stand rejected as unpatentable over Charman, Rydqvist and Daggy. These claims are believed allowable by virtue of their dependency from allowable Claims 1 and 22, and include additional features which further distinguish over these references.

Claims 3, 32-35, 39 and 43 stand rejected as unpatentable over Charman, Rydqvist and Yu (U.S. Patent No. 5 852 904). Claims 3 and 39 depend from what are believed to be allowable Claims 1 and 36, and thus this rejection will not be addressed

relative to these claims. Claims 33 and 34 are cancelled, rendering the rejection thereagainst moot.

Independent Claim 32 is amended to recite that each clamping member is of a two-piece construction defined by a pair of adjustably fastened clamps which are detachable from one another and disposed on opposite sides of the upper cross member. Neither Charman's "clamps" (defined by the Examiner as 50, 49, 53 and 50, 48, 53) nor Charman's walls 46 and 47 are detachable from one another. Detaching these structures would destroy the hinge clip 40 for its intended purpose. Neither Rydqvist nor Yu cure this deficiency. Claim 32, as well as Claims 35 and 43 which depend therefrom, are therefor believed allowable over the above references.

Claim 7 stands rejected as unpatentable over Charman, Rydqvist and Muller (U.S. Patent No. 5 875 596), and Claim 9 stands rejected as unpatentable over Charman, Rydqvist and Yu. These claims depend from allowable Claim 1 and are believed allowable by virtue of this dependence.

Claims 10, 19 and 42 stand rejected as unpatentable over Charman and Rydqvist. Claim 10 recites a mounting member which engages a lower portion of the top cap and clampingly engages the upper frame member from opposite sides thereof, the mounting member also engaging a lower surface of the upper frame member. In Charman, hinge clip 40 does not engage any part of the lower surface of rail 17. Rydqvist does not cure this deficiency. Claim 10, as well as Claims 19 and 19 and 42 which depend therefrom, are therefore believed allowable over the above references.

Claims 11 and 12 stand rejected as unpatentable over Charman, Rydqvist and Daggy, and Claim 14 stands rejected as unpatentable over Charman, Rydqvist and Muller. These claims depend from what is believed to be an allowable Claim 10, and are believed allowable therewith.

Claims 15-17 and 21 stand rejected as unpatentable over Charman, Rydqvist, Daggy and Yu. These claims are cancelled herein, rendering the rejection thereagainst moot.

Claims 20 and 40 stand rejected as unpatentable over Charman and Rydqvist. These claims depend from allowable Claims 1 and 36, and are therefore believed allowable therewith.

In view of the above, the instant application is believed to be in condition for allowance, and action toward that end is respectfully requested.

Respectfully submitted,


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